The test enunciated in the principal case was drawn from *Attorney-General* v. *Hitchcock,* 1 Exch. 91, and according to WIGMORE, EVIDENCE, § 1020, "is expressly accepted in only a few of the United States." Kansas seems firmly wedded to this test of collateralness, however, since not only in the present but also in a previous case, *State* v. *Sweeney,* 75 Kan. 265, it has been adopted and acted upon. *Attorney-General* v. *Hitchcock,* supra, in conjunction with other cases upon this subject, is carefully reviewed and considered in *Williams* v. *State,* 73 Miss. 820.

HOMICIDE—SELF-DEFENSE—DUTY TO RETREAT.—The defendant was convicted of murdering his wife. The evidence showed that the killing took place in defendant's house, which was occupied by himself and wife. The judge instructed the jury, in effect, that before the defendant could establish self-defense he must show that there was no convenient or reasonable mode of escape open to him by retreating, unless by retreating he increased his danger. *Held,* this instruction was erroneous. *Watts* v. *State* (Ala. 1912) 59 South. 270.

"It is an admitted doctrine of our criminal jurisprudence, that when a person is attacked in his own house, he is not required to retreat further." *Jones* v. *State,* 76 Ala. 8; *Peo.* v. *Lewis,* 117 Cal. 186; 1 HALE, P. C., 486; *Peo.* v. *Newcomer,* 118 Cal. 263; 21 CYC. 823. As the court said in the principal case, this rule is "of ancient origin, and indeed is deeply rooted in the elemental instincts of humanity. In its original applications it doubtless had in view only attacks from external aggressors." But the court had previously applied the rule in a case where deceased and defendant were tenants in common, *Jones* v. *State, supra;* and also in a case where deceased and defendant were husband and wife,—*Hutchinson* v. *State,* 170 Ala. 29. In the latter case the court said, "There must be somewhere a person may stop and defend himself or herself, when they have the right otherwise to do so. The fact that two may live in the same house, have the same dwelling or place of business, does not take away from either in favor of the other the right to stop there and defend himself." The principal case is illustrative of what seems to be the modern tendency in regard to the duty to retreat in general. As was said in *Runyon* v. *State,* 57 Ind. 80, "The tendency of the American mind seems to be very strongly against the enforcement of any rule which requires a person to flee when assailed." See RICE, EVIDENCE, § 360; *Beard* v. *U. S.,* 158 U. S. 550.

INSURANCE—DELIVERY OF MUTUAL BENEFIT CERTIFICATES.—An insurance contract of a fraternal order provided that the benefit certificate "shall not become effective until delivered by the camp clerk to the applicant while in good health." The applicant paid the advance assessments, was initiated and performed all other conditions precedent. Under these circumstances, while the member was in good health, the Benefit certificate was received by the local clerk. A few days later the member was fatally injured, but before his death the certificate was delivered to his son. *Held,* delivery to the clerk was delivery to the member, and a delivery into the actual possession of the